

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**MARVIN JONES and
VALERIE JONES**

PLAINTIFFS

VS.

CIVIL ACTION NO.: 3:19-CV-188-MPM-RP

**WELLS FARGO BANK, NATIONAL
ASSOCIATION, HSBC BANK, NATIONAL
ASSOCIATION**

DEFENDANTS

ORDER

Shortly after removal of this case, defendants filed a Rule 12 motion to dismiss in which their sole argument is that plaintiffs' complaint is a "shotgun" complaint which does not sufficiently distinguish between the allegations against each defendant. [Brief at 4-5]. In response, plaintiffs submitted a very brief response in which they stood by the allegations of their complaint and argued that "[a]ny confusion regarding which Defendant actually did what, as explained by the complaint, is caused by the Defendants' ever shifting legal names." [Response at 1]. While this court has some sympathy for plaintiffs' position, the fact remains that one of their allegations is a fraud claim, as to which a greater degree of specificity is required.

In light of the foregoing, this court will deny the motion to dismiss at this juncture, but it directs that plaintiffs file an amended complaint setting forth their claims against each defendant in greater detail. If necessary, plaintiffs may wait until some discovery has been performed to file the amended complaint, thereby giving them an opportunity to use the discovery process to distinguish between defendants' various business entities.

It is therefore ordered that the motion to dismiss [4-1] is denied.

This, the 6th day of January, 2020.

/s/ Michael P. Mills
U.S. DISTRICT COURT